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OFFICE OF PETITIONS

In re Application of	:
Jaime E. Ramirez-Vick et al	: DECISION ON PETITION
Application No. 09/997,475	: UNDER 37 CFR 1.78(a)(3)
Filed: November 19, 2001	:
Attorney Docket No. 25527-0003 C1	:

This is a decision on the renewed petition under 37 CFR 1.78(a)(3), filed July 23, 2004, to accept an unintentionally delayed claim under 35 U.S.C. §120 for the benefit of the prior-filed nonprovisional applications.

The petition is **DISMISSED**.

A petition for acceptance of a claim for late priority under 37 CFR 1.78(a)(3) is only applicable to those applications filed on or after November 29, 2000. Further, the petition is appropriate only after the expiration of the period specified in 37 CFR 1.78(a)(2)(ii). In addition, the petition under 37 CFR 1.78(a)(3) must be accompanied by:

- (1) the reference required by 35 U.S.C. § 120 and 37 CFR 1.78(a)(2)(i) of the prior-filed application, unless previously submitted;
- (2) the surcharge set forth in § 1.17(t); and
- (3) a statement that the entire delay between the date the claim was due under 37 CFR 1.78(a)(2)(ii) and the date the claim was filed was unintentional. The Commissioner may require additional information where there is a question whether the delay was unintentional.

The instant petition does not comply with item (1)

The amendment submitted with the instant petition is still not clear.

Any questions concerning this matter may be directed to the undersigned at (571) 272-3208.

The application is being referred to the Office of Patent Publication.

A handwritten signature in cursive script that reads "Karen Creasy".

Karen Creasy

Petitions Examiner

Office of Petitions

Office of the Deputy Commissioner
for Patent Examination Policy